THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15755 of 1996

Dated:12.12.2006

Between

1.Merugumalla March and others.

.....Petitioners

and

1.The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15755 of 1996

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings in Dis.No.1648/B2-1/92 on the file of the 1st respondent and non-payment of the petitioners' salaries from 3.7.1992 to 25.3.1993, 2.7.1992 to 27.3.1993, 1.7.1992 to 30.3.1993 and 1.8.1992 to 31.1.1993 respectively as arbitrary and illegal.

It appears that the petitioners are teachers working under the Management of the 3rd respondent-Convention of Baptist Churches for Northern Circars, which is running various Aided Elementary Schools numbering 27 in West Godavri District. The 3rd respondent is the sole authority of these 27 schools. All the petitioners are Secondary Grade Teachers. While so on 24.6.1992, the then Correspondent transferred all the petitioners to

Cherukuwada, Chinamelipadu, Bhavaiahpallam and Chettunapadu respectively under the same management, quoting G.O.Ms.No.97, dated 18.6.1992. However, the 1st and 2nd respondents did not approve the said transfers. Therefore, the same was cancelled and the petitioners were brought back to their respective schools, but their salary for the periods they worked was not paid. Further, in this regard, the Director of School Education has informed the District Educational Officer vide memo dated 1.1.1996 that the Correspondent shall treat the break period as deputation and requested to pay the salary.

In the counter filed by the respondents, it is asserted that it is the Management who did a mistake in transferring the teachers. Therefore, the same was not approved by the official respondents. As such, the management has to blame itself. The official respondents cannot be blamed for the same.

Learned counsel for the 3rd respondent contended that for the period when the petitioners worked in Cherukuwada and others places, their salaries were credited to the account of those

schools. If they are permitted to pay the salaries, they will do so. It is also not in dispute that there was grant in aid against those vacancies, which were held by the petitioners in their original place.

Under those circumstances, the 3rd respondent-Management is directed to withdraw the amounts credited to the respective schools to which the petitioners were transferred and worked during those periods and the same shall be paid to the petitioners and the official respondents shall pass orders in this regard, within a period of four weeks, from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly. No costs.

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12-12-2006

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